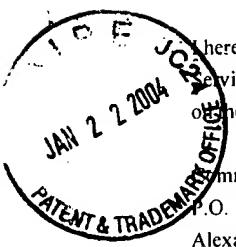


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PATENT
Attorney Docket No.: 02307O-114420US
Client Reference No.: 2001-094-2



I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Commissioner for Patents
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By: Patricia Andrews

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

John M. KROCHTA, et al.

Application No.: 09/879,796

Filed: June 11, 2001

For: METHODS AND
FORMULATIONS FOR PROVIDING
GLOSS COATINGS TO FOODS AND
FOR PROTECTING NUTS FROM
RANCIDITY

Examiner: Paden, Carolyn A.

Art Unit: 1761

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

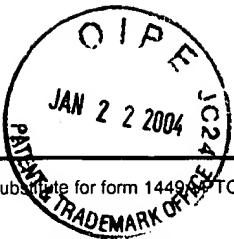
Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,


Laurence J. Hyman
Reg. No. 35,551

TOWNSEND and TOWNSEND and CREW LLP
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LJH:ath
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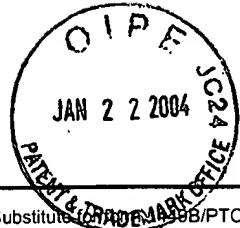
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| Substitute for form 1449. PTO PATENT & TRADEMARK OFFICE | | | Complete if Known | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | Application Number | 09/879,796 | |
| | | | Filing Date | June 11, 2001 | |
| | | | First Named Inventor | Krochta, John M. | |
| | | | Art Unit | 1761 | |
| | | | Examiner Name | Paden, Carolyn A. | |
| Sheet | 1 | of | 3 | Attorney Docket Number | 02307O-114420US |

| U.S. PATENT DOCUMENTS+ | | | | | |
|-------------------------------|-----------------------|---|--------------------------------|--|--|
| Examiner Initials* | Cite No. ¹ | Document Number Number Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| FOREIGN PATENT DOCUMENTS | | | | | |
|---------------------------------|-----------------------|---------------------------|---|--------------------------------|--|
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| Substitute for PTO Form 1498/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | | Complete if Known | |
| Sheet | 2 | of | 3 | Application Number | 09/879,796 |
| | | | | Filing Date | June 11, 2001 |
| | | | | First Named Inventor | Krochta, John M. |
| | | | | Art Unit | 1761 |
| | | | | Examiner Name | Paden, Carolyn A. |
| | | | | Attorney Docket Number | 02307O-114420US |

| NON PATENT LITERATURE DOCUMENTS | | | | | |
|--|-----------------------|---|--|--|----------------|
| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | | | T ² |
| | AA | DANGARAN, K. L. et al.; "Whey protein isolate coatings as replacement for shellac in the confectionery industry"; <u>IFT Annual Meeting & IFT Food Expo June 23-27, 2001, New Orleans, LA</u> ; Abstract 86-9; March 1, 2001 Available Website: http://ift.confex.com/ift/2001/techprogram/paper_8346.htm Accessed on: January 21, 2004 | | | |
| | AB | DANGARAN, K. L. and J. M. KROCHTA; "Effects of sucrose level on gloss and durability of whey protein isolate coatings for confectionery products"; <u>IFT Annual Meeting & IFT Food Expo June 15-19, 2002, Anaheim, CA</u> ; Abstract 72-6; March 1, 2002 Available website: http://ift.confex.com/ift/2002/techprogram/paper_13618.htm Accessed on: January 21, 2004 | | | |
| | AC | DANGARAN, K. L. and J. M. KROCHTA; "Sucrose crystallization in native and denatured whey protein isolate films"; <u>IFT Annual Meeting & IFT Food Expo July 12-16, 2003, Chicago, IL</u> ; Abstract 26-8; March 1, 2003 Available website: http://ift.confex.com/ift/2003/techprogram/paper_20096.htm Accessed on: January 21, 2004 | | | |
| | AD | KROCHTA, John M.; "Film, Edible"; <u>The Wiley Encyclopedia of Packaging Technology, Second Edition</u> , Brody, Aaron L. and Kenneth S. Marsh, eds.; 1997; pp. 397-401; John Wiley & Sons, Inc. | | | |
| | AE | KROCHTA, John M.; "Whey protein interactions: effects on edible film properties"; <u>ACS Symposium Series: Functional Properties of Proteins and Lipids</u> , Whitaker, John R., et al., eds.; 1998; pp. 158-167; American Chemical Society, Washington, D.C. | | | |
| | AF | LEE, S.-Y. and J. M. KROCHTA; "Modeling shelf-life of whey-protein-coated peanuts analyzed by static-headspace gas-chromatography"; <u>IFT Annual Meeting & IFT Food Expo, June 23-27, 2001, New Orleans, LA</u> ; Abstract 73D-30; March 1, 2001; Available Website: http://ift.confex.com/ift/2001/techprogram/paper_9044.htm Accessed on: January 21, 2004 | | | |
| | AG | LEE, S.-Y. et al.; "Consumer acceptance of whey-protein-coated versus shellac-coated chocolates"; <u>IFT Annual Meeting & IFT Food Expo, June 23-27, 2001, New Orleans, LA</u> ; Abstract 98-11; March 1, 2001; Available Website: http://ift.confex.com/ift/2001/techprogram/paper_8758.htm Accessed on: January 21, 2004 | | | |
| | AH | MATÉ, Juan I. and John M. KROCHTA; "Whey protein coating effect on the oxygen uptake of dry roasted peanuts"; <u>J. Food Sci.</u> ; 1996; pp. 1202-1206; Vol. 61, No. 6; Institute of Food Technologies | | | |
| | AI | MATÉ, Juan I. and John M. KROCHTA; "Whey protein and acetylated monoglyceride edible coatings: effect on the rancidity process of walnuts," <u>J. Agric. Food Chem.</u> ; 1997; pp. 2509-2513; Vol. 45; American Chemical Society | | | |
| | AJ | MATÉ, Juan I. et al.; "Whey protein isolate edible coatings: effect on the rancidity process of dry roasted peanuts"; <u>J. Agric. Food Chem.</u> ; 1996; pp. 1736-1740; Vol. 44; American Chemical Society | | | |
| | AK | McHUGH, Tara Habig and John M. KROCHTA; "Milk-protein-based edible films and coatings"; <u>Food Technology</u> ; January 1994, pp. 97-103 | | | |
| | AL | McHUGH, Tara Habig and John M. KROCHTA; "Sorbitol- vs glycerol-plasticized whey protein edible films: integrated oxygen permeability and tensile property evaluation"; <u>Journal of Agricultural and Food Chemistry</u> ; 1994; pp. 841-845; Vol. 42; American Chemical Society | | | |
| | AM | McKIBBEN, Jason B. and J. M. KROCHTA; "Properties of whey protein concentrate films of varying protein contents compared to whey protein isolate films"; <u>IFT Annual Meeting & IFT Food Expo, June 10-14, 2000, Dallas, TX</u> ; Abstract 78C-16; March 1, 2000; Available Website: http://ift.confex.com/ift/2000/techprogram/paper_3608.htm Accessed on: January 21, 2004 | | | |
| | AN | McKIBBEN, Jason B. and J. M. KROCHTA; "Properties of whey protein concentrate films of varying protein contents compared to whey protein isolate films"; <u>IFT Annual Meeting & IFT Food Expo, June 10-14, 2000, Dallas, TX</u> ; Poster presentation, Tuesday, June 13, 2000 | | | |

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| Examiner Signature | Date Considered |
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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.



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| Sheet | 3 | of | 3 | Application Number | 09/879,796 |
| | | | | Filing Date | June 11, 2001 |
| | | | | First Named Inventor | Krochta, John M. |
| | | | | Art Unit | 1761 |
| | | | | Examiner Name | Paden, Carolyn A. |
| | | | | Attorney Docket Number | 02307O-114420US |

| NON PATENT LITERATURE DOCUMENTS | | | |
|--|-----------------------|---|----------------|
| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | AO | PÉREZ-GAGO, M. B. <i>et al.</i> ; "Water vapor permeability, solubility, and tensile properties of heat-denatured versus native whey protein films"; <i>Journal of Food Science</i> ; 1999; pp. 1034-1037; Vol. 64, No. 6; Institute of Food Technologists | |
| | AP | TREZZA, T. A. and J. M. KROCHTA; "Specular reflection, gloss, roughness and surface heterogeneity of biopolymer coatings"; <i>Journal of applied Polymer Science</i> ; 2001; pp. 2221-2229; Vol. 79; John Wiley & Sons, Inc. | |
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|--------------------|-----------------|
| Examiner Signature | Date Considered |
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